

The Honorable Benjamin H. Settle

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

FIREPOWER MARKETING, INC. d/b/a
ROYALTY REWARDS,

Plaintiff,

v.

RED ROBIN INTERNATIONAL, INC.,

Defendant.

No. C11-05338-BHS

STIPULATION AND ORDER OF
DISMISSAL OF ALL CLAIMS AND
COUNTERCLAIMS

NOTE ON MOTION CALENDAR:
NOVEMBER 30, 2012

STIPULATION

The parties, by and through their respective attorneys, hereby stipulate and agree as follows:

1. That pursuant to the settlement agreement between the parties, the subjoined Order of Dismissal may be entered forthwith and without further notice to either party.

2. That the Court should retain continuing jurisdiction to enforce the terms of the Stipulated Protective Order entered by the Court on March 5, 2012.

3. As part of their settlement, the parties have agreed to first pursue mediation in the event of a material breach of the settlement agreement. Should mediation fail to resolve the

1 dispute, this Court shall retain jurisdiction over the parties for the purpose of enforcing the
2 parties' settlement agreement. In all other respects, this civil action is dismissed with prejudice,
3 with each party to bear its own costs and expenses.
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6 DATED this 30th day of November, 2012.

7 **WINTHROP & WEINSTINE, P.A.**

MERCHANT & GOULD

8 /s/ Peter J. Gleekel

/s/ Scott W. Johnston

9 Pro hac vice

Pro hac vice

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15 *Inc. d/b/a Royalty Rewards*

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STIPULATION AND ORDER OF DISMISSAL - 2

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ORDER

Pursuant to the foregoing Stipulation, it is hereby ORDERED as follows:

1. That pursuant to the settlement agreement between the parties, all claims and counterclaims between the parties shall be, and hereby are, **DISMISSED WITH PREJUDICE**, without an award of fees or costs to any party; and

2. That the Court shall retain continuing jurisdiction to enforce the terms of the Stipulated Protective Order entered by the Court on March 5, 2012.

3. This Court shall retain jurisdiction over the parties for the purpose of enforcing the parties' settlement agreement. In all other respects, this civil action is dismissed with prejudice, with each party to bear its own costs and expenses.

DATED this ____ day of November, 2012.

BENJAMIN H. SETTLE
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify, that on November 30, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED November 30, 2012.

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